

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

**MICHAEL S.
OWLFATHER-GORBEY**
Petitioner,

v.

WARDEN, USP LEE,
Respondent.

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CASE NO. 7:17CV00218

FINAL ORDER

By: Norman K. Moon
Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED**
and **ADJUDGED** as follows:

- (1) The Respondent's motion to dismiss (ECF No. 10) is **GRANTED**;
- (2) This action is **STRICKEN** from the active docket of this court; and
- (3) Concluding that Gorbey has failed to make a substantial showing of the denial of a
constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is
DENIED.

The Clerk is directed to send copies of this Order and the accompanying Memorandum
Opinion to the parties.

ENTER: This 15th day of November, 2017.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE